

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

LOCAL RULES

Effective October 17, 2005

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RULE 1007-1 Bankruptcy Petition and Schedules

(a) Entireties Exemption. A married debtor who claims property as exempt pursuant to tenants by the entirety law shall state whether each debt listed on schedule D, E or F is joint with the non-filing spouse or is the separate debt of the debtor. Any debt listed on schedule D, E or F which does not clearly indicate that the debt is the sole debt of the filing spouse shall be deemed to be a joint debt of the debtor and the spouse for purposes of determining the allowability of the debtor's claim of exemption pursuant to state entirety law.

(b) Number of Copies. Petitions and schedules shall be filed in the following quantities:

(1) Chapter 7, 12 and 13 petitions: an original and 3 copies; and

(2) Chapter 9 and 11 petitions: an original and 5 copies.

(c) Notice to Holders of Disputed, Contingent or Unliquidated Claims in a Chapter 11 Case.

Upon filing the schedules in a chapter 11 case, the debtor shall serve upon all creditors whose claims are listed in the schedules as disputed, contingent or unliquidated a notice stating: "Your claim is scheduled as disputed, contingent or unliquidated. Therefore, your claim is not deemed allowed. If you choose to file a proof of claim, the deadline for doing so is 90 days after the date first set for the meeting of creditors called pursuant to Code §341(a) unless a different deadline is fixed by order of the Court." Upon filing an amended schedule reclassifying or adding a claim as disputed, contingent or unliquidated, a debtor shall serve a copy of the amendment on the affected creditor and promptly file a proof of service.

(d) Failure to File Initially Required Documents Timely. In all cases, a motion for an extension of time to file the schedules or the statement of financial affairs is governed by Local Rule 9006-1(a). If the debtor fails to timely file the schedules, statement of financial affairs or other necessary documents, and also fails to timely move for an extension before the deadline for filing those documents, the debtor's voluntary petition for relief may be dismissed without a hearing unless, within 20 days after the petition is filed, a party in interest files a written request for a hearing. If a party in interest files a timely request for a hearing, the clerk will set the matter for hearing upon notice to any creditor who requested it, the debtor and the trustee.

(e) Social Security and Tax Identification Numbers. The caption of the petition shall disclose the last four digits of all social security numbers and the full tax identification numbers used by the debtor(s) within

the past 6 years.

(f) Pro Se Declarations. In cases where the debtor is not represented by an attorney, the debtor shall file with the clerk a “Declaration Under Penalty of Perjury for Debtor(s) Without An Attorney” as prescribed by the Court. The declaration form shall be filed within 15 days after the date of the filing of the voluntary petition.

(g) Chapter 13 Cases.

(1) The debtor shall file an original and 3 copies, except as otherwise noted, of each of the following papers:

(A) the chapter 13 plan;

(B) within 15 days after the petition is filed, a proposed payment order, providing that the debtor’s employer or any other party obligated to remit funds on a regular basis to the debtor pay a certain amount per pay period to the trustee; or in the alternative, a motion for an order excusing entry of such an order; and,

(C) an application and proposed order authorizing payment of filing fee in installments (if needed).

(2) The debtor shall serve a true copy of the payment order upon the trustee who shall serve a true copy on the debtor’s employer and/or other appropriate entities.

(3) The debtor shall serve a copy of the plan upon the trustee, all creditors and other parties in interest, and shall promptly file a proof of such service.

(h) (Applicable only to cases filed on or after October 17, 2005) Dismissal for failure to file tax returns under § 521(e)(2)(B) or (C). Immediately after filing a motion under 11 U.S.C. § 521(e)(2)(B) or (C), the movant shall obtain a hearing date from the judge’s courtroom deputy clerk, who will cause a notice of the hearing to be served on all parties in interest. Any party in interest may be heard at the hearing. Written objections are permitted but not required. If the movant seeks a hearing on the motion before the meeting of creditors, the movant shall file the motion no later than three days after the expiration of the deadline in 11 U.S.C. § 521(e)(2)(A)(I).

(i) (Applicable only to cases filed on or after October 17, 2005) Section 521(a)(1)(B)(iv) Material. Unless otherwise ordered by the Court in a specific case, the material that the debtor is required to file

under 11 U.S.C. § 521(a)(1)(B)(iv) - “copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor” - (a) shall not be filed with the court, and (b) shall be provided to the trustee at least seven days prior to the first date set for the meeting of creditors pursuant to 11 U.S.C. §341, but not later than 45 days after the date of the filing of the petition. Immediately upon compliance, the debtor shall file a certificate of compliance with this requirement.

RULE 1007-2 The Matrix

A voluntary bankruptcy petition, whether filed with or without schedules, shall be accompanied by a matrix (an original and one copy) listing the names, addresses and zip codes of the United States trustee, and then, in alphabetical order, all creditors. The names, addresses and zip codes of the debtor(s) and counsel for the debtor(s) shall not appear on the matrix. The matrix shall comply with guidelines available from the clerk. In chapter 11 cases, the debtor shall also submit a separately labeled matrix listing the names, addresses and zip codes of equity security holders. When any department or agency of the United States is listed in the matrix, the matrix shall also include the United States Attorney for the Eastern District of Michigan (Attention: Civil Division) and that label shall also designate the other agency or department listed. The matrix address for the office of the United States Attorney shall correspond to the court location where the petition is filed, and all subsequent service on the United States Attorney shall be at that address. When the Internal Revenue Service is listed as a creditor, the matrix shall include the address of the SBSE/Insolvency Unit of the Internal Revenue Service located at Box 330500-Stop 15, Detroit, Michigan, 48232. When any other agency or department of the United States is listed, the proper address as obtained from the United States Attorney’s Office shall be stated.

A debtor who has more than 100 creditors shall provide to the clerk a computer disk bearing the information required above in a format to be prescribed by the clerk instead of submitting a printed matrix. All other debtors are encouraged to do the same.

RULE 1007-3 Credit Counseling Compliance (Applicable only to cases filed on or after October 17, 2005.)

(a) Certification Procedures. A debtor who files a certification under 11 U.S.C. § 109(h)(3)(A) shall also file a motion for approval of the certification. The debtor shall file the certification and the motion with the petition, serve it on all parties, and file a proof of service. The deadline to file a response shall be 10 days after service. If no timely response is filed, the certificate shall be deemed satisfactory under 11 U.S.C. § 109(h)(3)(A)(iii) without a hearing. The motion shall be accompanied by a notice that the deadline to file a response is 10 days after service and that if no response is filed, the Court will deem the certificate satisfactory under 11 U.S.C. § 109(h)(3)(A)(iii) without a hearing.

(b) Additional Extension of Time. A motion for an extension of time under 11 U.S.C. § 109(h)(3)(B) shall be served on all parties and may be accompanied by an ex parte motion for an expedited hearing. If the Court grants an expedited hearing, the debtor shall promptly serve a notice of the hearing on all parties.

(c) Motion to Excuse Credit Counseling. A motion seeking relief under 11 U.S.C. § 109(h)(4) shall be filed under LBR 9014-1.

RULE 1009-1 Amendment of Petition and Schedule

(a) Procedure. An amended petition, schedule, statement of financial affairs, statement of income and expenses, matrix and summary of assets and liabilities shall be accompanied by a form prescribed by the clerk entitled, “COVER SHEET FOR AMENDMENTS.” The amended document shall contain an original signature by the amending party. If several documents are contemporaneously amended, the amending party may attach to the amended documents one signed affirmation relating to all of the amended pages in the same form as required on the original documents.

(b) Service of Amendment. The debtor shall serve a copy of the amendment and the cover sheet for amendments upon the trustee and all other entities affected by the amendment, and shall promptly file a proof of service.

(c) Adding an Omitted Creditor Earlier Than 10 Days Before the Code §341 Meeting. A debtor who, earlier than 10 days before commencement of the Code §341 meeting of creditors, amends a schedule to add a creditor not previously listed thereon, may do so simply by complying with paragraphs

(a) and (b), above.

(d) Adding an Omitted Creditor Later Than 10 Days Before the Code §341 Meeting.

(1) If an amendment adding a creditor is made later than 10 days before the commencement of the Code §341 meeting of creditors, then:

(A) any time fixed for the filing of complaints under Code §523 or Code §727, pursuant to F.R.Bankr.P. 4007 and 4004 respectively, or to object to the debtor's claim of exemptions, pursuant to F.R.Bankr.P. 4003(b), shall automatically be extended to allow such creditor the same number of days in which to file such a complaint or objection as the creditor would have had if the creditor had been properly scheduled at the outset of the case; and

(B) unless the Court orders otherwise, the creditor added by the amendment shall be entitled to examine the debtor under oath with any reasonable expense to be borne by the debtor.

(2) Adding a creditor's name to a schedule does not necessarily affect whether the debt owed to the creditor was, is, or will be discharged in the present case. A determination from this Court regarding the dischargeability of the debt of an added creditor shall be sought in an adversary proceeding under Code §523(a)(3).

(3) A debtor who, later than 10 days before the commencement of the Code §341 meeting of creditors, amends a schedule to add a creditor not previously listed thereon shall, in addition to a copy of the amended document pursuant to paragraph (b) above, serve a notice containing a copy of this paragraph (d) of this Rule.

RULE 1015-1 Joint Administration of Cases of Affiliated Debtors

(a) A motion for joint administration of affiliated debtors filed under Bankruptcy Rule 1015(b) and (c) shall contain detailed information concerning:

- (1)** the disclosure required by Bankruptcy Rule 1007(a)(3);
- (2)** any inter-debtor claims and whether they are disputed or undisputed;
- (3)** any guaranties or co-obligations among the debtors and non-debtor equity holders;
- (4)** whether any of the debtors is a publicly traded entity; and,

(5) inter-company transfers within one year before the order for relief.

(b) The proposed order attached to the motion shall include as an exhibit the proposed caption to be used for the jointly administered cases. The caption shall use the name of a publicly traded entity, if any, with the other debtors indicated by the phrase, “et al.” If there is no publicly traded entity, the name of the debtor to be used shall be the name of the debtor with the first filed case. The case number to be used for the jointly administered cases shall be the lowest number of the cases. There shall also be a footnote to the caption stating that the case is jointly administered with the cases of other debtors, identifying the names and case numbers of the cases of the other debtors.

(c) A motion requesting joint administration shall be served upon the United States Trustee, the members and counsel of any official committees (or, if no official committee is yet formed, upon the list of creditors filed by the debtors under Bankruptcy Rule 1007(d)), secured creditors, taxing authorities, and any other persons as directed by the Court.

(d) Unless otherwise ordered by the Court, the debtors shall give notice of the joint administration order to the matrix of each of the jointly administered cases. A copy of the joint administration order may serve as the notice.

RULE 1020-1 Procedures for Small Business Chapter 11 Cases
(Applicable only to cases filed on or after October 17, 2005.)

(a) **Objection to Designation.** An objection to the debtor’s designation as a small business debtor under Bankruptcy Rule 1020(b) shall be by motion under LBR 9014-1 served on all parties in interest.

(b) **Request for Rule 1020(c) Determination.** A request for a determination under Bankruptcy Rule 1020(c) shall be by motion under LBR 9014-1 served on all parties in interest.

RULE 1071-1 Court and Case Assignment

(a) **Court Locations.** The work of the Court is divided among 3 court locations as follows:

Detroit: Jackson, Lenawee, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne Counties;

Flint: Genesee, Lapeer, Livingston, and Shiawassee Counties;

Bay City: Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola Counties.

(b) Place of Filing. Except for petitions filed pursuant to Code §304, a voluntary or involuntary petition initiating a bankruptcy case shall be filed at the court location for the county in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of such 180-day period than the domicile, residence, principal place of business, or principal assets of such person were located in any other court location; provided however, a petition may be filed at the court location where a companion case was filed.

(c) Companion Cases. Companion cases are cases involving:

- (1) identical individuals or entities;
- (2) a corporation and any majority shareholder thereof;
- (3) affiliated corporations;
- (4) a partnership and any of its general partners;
- (5) an individual and his or her general partner;
- (6) an individual and his or her spouse; or
- (7) any substantial identity of financial interest or assets.

(d) [Suspended by Administrative Order 99-03, November 30, 1999.]

(e) Assignment to Judges.

- (1) A petition filed at or transferred to Detroit shall be assigned to a judge by a blind draw system adopted by the Court except that a companion case shall be assigned to the judge to whom the first companion case was assigned or to the judge who is appointed to fill the vacancy of that judge.
- (2) A petition filed at Bay City or Flint shall be assigned to the judge responsible for these court locations.
- (3) All adversary proceedings arising in a case shall be assigned to the judge to whom the case is assigned. If the case in which the adversary proceeding arose is pending in another district, the

adversary proceeding shall be assigned in accordance with the assignment practices of the court location where the adversary proceeding is filed.

(4) When a judge enters an order for recusal with respect to a case, a particular matter arising therein, or an adversary proceeding, reassignment shall be by blind draw to a judge at Detroit.

(5) If any matter requires urgent or immediate attention and the judge to whom the matter has been assigned is not or will not be available, then the clerk shall assign the matter to another judge available at Detroit by blind draw.

(f) Reassignment of Bankruptcy Cases or Proceedings. Consolidated or jointly administered cases pursuant to F.R.Bankr.P. 1015 shall normally be reassigned to the judge having the case with the lowest filing number. To facilitate the administration of the Court's docket and for good cause shown, a case or proceeding may be reassigned by the chief judge from one judge to another judge with the consent of the judges involved.

(g) Transfer of Case or Proceeding.

(1) Upon notice and hearing, a judge may, in the interest of justice or for the convenience of the parties, transfer a case or proceeding filed in a proper location to any other court location within the district.

(2) If a case is filed in an improper court location, a judge may transfer it to a proper court location on stipulation of the debtor and the United States trustee or upon motion of the United States trustee or any party in interest.

**RULE 1074-1 Filing Authorization For Corporations, Partnerships
And Entities Other Than Individuals**

In a case commenced by a voluntary petition for relief, filed by a corporation, partnership or entity other than an individual, a copy of the duly attested resolution or other appropriate filing authorization shall be filed by the debtor within 15 days after the filing of such petition.

Rule 2002-1 Authorization for a Special Service List

(a) In a Large Bankruptcy Case, counsel for the debtor may submit an order for a Special Service List, as designated in subparagraph (b) below. In all other cases, such an order may be obtained upon the filing

of a motion for cause shown, served on all parties designated in subparagraph (b) below and the twenty largest unsecured creditors. Upon entry of the order, counsel for the movant shall serve the order on the entire matrix, unless the Court orders otherwise.

(b) Matters requiring notice under Bankruptcy Rule 2002(a)(2)-(6) shall be served, at a minimum, on this Special Service List:

- (1)** The United States Trustee.
- (2)** The debtor.
- (3)** The debtor's general and local bankruptcy counsel.
- (4)** General and local counsel for each committee.
- (5)** Any secured creditors and their counsel.
- (6)** All taxing authorities.
- (7)** Parties added to the Special Service List under subparagraph (c) below.

(c) Parties may seek to be added to or deleted from the Special Service List by filing a written request and serving it on the parties designated in subparagraph (b) above.

(d) At least every 15 days during the first 60 days of the case, and thereafter at least every 30 days, the debtor's counsel (or counsel for the trustee, if one is appointed) shall maintain and update the Special Service List by: (i) making any additions and deletions; (ii) filing the updated Special Service List; (iii) serving the updated Special Service List on the parties listed thereon; and (iv) filing a proof of service of same.

RULE 2003-1 Debtor's Non-Appearence at Meeting of Creditors

(a) If a debtor fails to appear at a meeting of creditors, notice to creditors of the trustee's intent to file a motion to dismiss the case may be provided by an announcement at the meeting of creditors. The announcement shall advise that:

- (1)** the trustee is filing a motion to dismiss the case for the debtor's failure to attend the meeting;
- (2)** that if a creditor opposes the motion or seeks a hearing thereon, the creditor must file and serve on the trustee an objection or request for a hearing within 5 days from the meeting date; and

(3) that if an objection or request for a hearing is not timely filed and served, the Court may enter an order dismissing the case without a hearing.

The trustee shall promptly file a proof of such oral notice with the motion to dismiss.

(b) The debtor shall file and serve a written response to the motion within 5 days after the service of the motion. The response shall contain affidavits or declarations of persons with actual knowledge of any facts explaining or justifying the debtor's failure to appear at the meeting of creditors together with any documentary corroborating evidence.

(c) If the debtor fails to timely respond and no creditor timely objects or requests a hearing, the trustee may file a certification of non-response. The Court may deem the debtor's non-response to the motion and the creditors' failure to object or to affirmatively seek a hearing to be a waiver of the opportunity for a hearing on the motion to dismiss. The Court may thereafter enter an order dismissing the case without a hearing. If a timely response, objection or request for a hearing is filed, the clerk will set the matter for hearing upon notice to all parties entitled to notice pursuant to F.R.Bankr.P. 2002(a), unless the Court orders otherwise.

RULE 2003-3 Information for the Appointment of a Committee

When a motion for an order designating a case as a Large Bankruptcy Case is filed, or if the Court enters such an order *sua sponte*, the debtor shall immediately e-mail, fax or hand deliver to the United States Trustee's Office the name of the contact person, address, telephone and fax numbers and/or e-mail address of each entity listed on the debtor's Bankruptcy Rule 1007(d) filing.

RULE 2003-2 Documentation at the Meeting of Creditors

In cases under chapters 7, 12, and 13, and in individual cases under chapter 11, to the extent they are in the debtor's possession and are applicable to the case, the debtor shall have available at the meeting of creditors, neatly arranged, all of the following:

- (a) documents to support all entries on Schedule I, including wage stubs, tax returns, or other proof of earnings;
- (b) documents to support all entries on Schedule J, including canceled checks, paid bills, or other proof

of expenses;

(c) certificates of title (originals if available, otherwise copies) for titled assets, including vehicles, boats and mobile homes;

(d) originals of bank books; check registers; bonds; stock certificates; bank, brokerage and credit card statements;

(e) copies of leases, mortgages, deeds and land contracts;

(f) copies of life insurance policies either owned by the debtor or insuring the debtor's life;

(g) current property tax statements;

(h) asset appraisals;

(i) keys to non-exempt buildings and vehicles;

(j) divorce judgments and property settlement agreements; and

(k) in chapter 12 and chapter 13 cases, copies of casualty insurance policies.

RULE 2004-1 Application Filed Pursuant to F.R.Bankr.P. 2004

Any person who seeks to examine a debtor pursuant to F.R.Bankr.P. 2004 shall contact the debtor's attorney for the purpose of arranging a mutually convenient date, time and place before filing an application pursuant to that Rule. The application shall affirmatively indicate that the proposed date, time and place for the examination, and documents to be produced, have been agreed upon by all concerned. If the applicant is unable to confirm these matters with the debtor's attorney after making all reasonable efforts, an application for examination of the debtor may be filed, indicating specifically the efforts that were made, as well as the proposed date, time and place of the examination.

RULE 2014-1 Application for Approval of the Employment of a Professional

(a) An application for the approval of the employment of a professional shall include or be accompanied by a statement of the professional that the employment complies with Code §327(a). This statement shall also disclose all of the connections of the professional and associates of the professional with the debtor, creditors, or any other party in interest, their respective attorneys and accountants as required by

F.R.Bankr.P. 2014. The term “connection” as used herein is defined to include any family relationship as defined in Code §101(45).

(b) A copy of the application shall be served on the United States trustee. If the United States trustee concurs, the concurrence shall be indicated by the signature of the United States trustee on the proposed order. If the United States trustee does not file an objection to the entry of the order within 5 days, the applicant may submit the order to the Court for entry. The order shall be deemed effective as of the date of the filing of the application, unless the Court orders otherwise.

(c) Unless the trustee is also a creditor in the case, and unless the Court orders otherwise, whenever a chapter 7 panel trustee seeks to be appointed as trustee’s attorney, an order appointing that person as attorney shall be deemed to have been entered without formal entry of a written order, effective upon the filing of the verified statement required by the last sentence in F.R.Bankr.P. 2014(a).

(d) An application for the appointment of an auctioneer, appraiser, or real estate sales agent shall also contain a statement of the fee or commission proposed to be paid. With respect to the appointment of an auctioneer or an appraiser, the application shall further contain a statement as to the amount of expenses and the number of hours of labor anticipated.

RULE 2014-2 Prohibited Conduct in Connection With the Appointment of an Attorney, Accountant, or Agent for Official Committees

Neither the debtor, nor an attorney or accountant for, or insider of, the debtor shall attempt directly or indirectly to influence the selection of attorneys, accountants, or other agents by any official committee. It shall be the affirmative duty of any member of the bar of the Court to inform the United States trustee in writing of any conduct in violation of this Rule.

RULE 2015-2 Quarterly Income and Expense Statements in a Chapter 13 Case

If the debtor in a chapter 13 case is engaged in business, the debtor shall within 30 days of the close of each calendar quarter, file a statement of that quarter’s income and expenses, and serve a copy thereof upon the chapter 13 trustee.

RULE 2015-5 Procedure Upon Chapter 13 Plan Completion
(Applicable to cases filed before October 17, 2005)

When the trustee determines that the chapter 13 plan has been completed, the trustee shall file and serve a final report and account on all holders of allowed claims. The report shall state the allowed amount of each claim and the amount paid thereon. The report shall also inform creditors that:

(a) They have 30 days to file an objection to the report and to the entry of a discharge, and if no objection is timely filed, a discharge will enter; and

(b) The order of discharge will include findings that:

(1) all allowed claims have been paid substantially in accordance with the plan, and

(2) with respect to secured claims which continue beyond the term of the plan, any pre-petition or post-petition defaults have been cured and such claims are in all respects current, with no escrow balance, late charges, costs or attorney fees owing.

(c) The order of discharge will direct that:

(1) such creditors who held secured claims which were fully paid shall execute and deliver to the debtor a release, termination statement, discharge of mortgage or other appropriate certificate suitable for recording; and

(2) such creditors who hold secured claims which continue beyond the term of the plan shall take no action inconsistent with the above findings.

RULE 2015-5 Procedure Upon Chapter 13 Plan Completion
(Applicable to cases filed on or after October 17, 2005.)

Within 90 days after the expiration of the time period for the debtor to comply with LBR 4004-1, the trustee's final report and account shall be filed and served on all holders of allowed claims. The report shall state the allowed amount of each claim and the amount paid thereon. The report shall also inform creditors:

(a) That the deadline to file a motion objecting to the debtor's discharge under 11 U.S.C. § 1328(a) is 30 days after service of the report, that the motion shall be filed under LBR 9014-1, that if no objection is timely filed, a discharge will be entered, and that if a timely motion is filed, the discharge will be delayed until the Court determines whether the discharge should be granted.

- (b) That the order of discharge will include findings that:
- (1) all allowed claims have been paid substantially in accordance with the plan, and
 - (2) with respect to secured claims which continue beyond the term of the plan, any pre-petition or post-petition defaults have been cured and such claims are in all respects current, with no escrow balance, late charges, costs or attorney fees owing.
- (c) That the order of discharge will direct that:
- (1) the creditors who held secured claims which were fully paid shall execute and deliver to the debtor a release, termination statement, discharge of mortgage or other appropriate certificate suitable for recording; and
 - (2) the creditors who hold secured claims which continue beyond the term of the plan shall take no action inconsistent with the above findings.
- (d) Whether the debtor filed the certification regarding domestic support obligations required under 11 U.S.C. § 1328(a).
- (e) That unless a party timely objects under subparagraph (a), the Court may find without a hearing that there is no reasonable cause to believe that:
- (1) 11 U.S.C. § 522(q)(1) may be applicable to the debtor; and,
 - (2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind specified in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

RULE 2016-1 Form and Content of an Application for the Award of Professional Fees and Expenses in a Case Under Chapters 7, 9, 11 and 12

(a) General Rule for Fee Applications of Attorneys and Accountants. In a case under chapters 7, 9, 11 or 12, an application of an attorney or an accountant for compensation pursuant to Code §330 or §331 shall contain the disclosures required by F.R.Bankr.P. 2016(a) and shall comply with the United States trustee fee guidelines in existence when this Rule is adopted or as later amended by the United States trustee to the extent such amendment is approved by the Court, unless the Court orders in a particular case that an attorney's or an accountant's application for compensation shall be filed pursuant to paragraph (b)

or paragraph (c) of this Rule.

(b) Form and Content of Attorney Fee Application. When the Court so orders in a case under chapters 7, 9, 11 or 12, an attorney's application for an award of compensation pursuant to Code §330 or §331 shall contain the disclosures required by F.R.Bankr.P. 2016(a), comply with the following subparagraphs (1)-(7) and include the exhibits described in subparagraphs (8)-(12).

(1) State separately:

(A) the total amount of compensation sought to be approved;

(B) the amount of expenses sought to be approved; and

(C) the balance of any retainer on deposit with the applicant that remains after the payment of prior fee awards.

This statement shall be incorporated into the notice of the fee application sent to parties in interest.

(2) Identify the time period during which the services for which the award is sought were rendered.

(3) Provide a narrative summary explaining the services performed and how they benefitted the estate.

(4) Unless unduly burdensome, with respect to each adversary proceeding or state or other federal litigation or administrative proceeding in which the applicant is or was involved, describe:

(A) the nature of the action instituted;

(B) the relief requested;

(C) the dollar amount directly or indirectly involved;

(D) the issues, both factual and legal, in sufficient detail to permit the Court to evaluate the problems confronting the attorney; and

(E) the results obtained since the prior fee application, if any.

(5) Describe the current status of the bankruptcy case and the nature of any legal services to be rendered in the future.

(6) Identify each specific instance in which an award is sought for the services of more than one attorney and paralegal and the justification for each such specific instance.

(7) State the amount of compensation sought in prior applications in the case by the applicant, and the Court's disposition of each application.

(8) Exhibit A shall be a copy of the order approving the employment of the applicant.

(9) Exhibit B shall be a summary statement of the number of hours of service rendered by each attorney and paralegal and the hourly rate of each.

(10) Exhibit C shall be an itemized time record, in chronological order, of each specific service for which an award of compensation is sought. This itemized time record shall:

(A) state the date each service was rendered;

(B) identify the attorney(s) and paralegal(s) who performed the service;

(C) describe with particularity the services rendered; and

(D) state the time spent performing the service in increments of tenths of an hour.

(11) Exhibit D shall be a brief biographical statement of the professional experience of each attorney for whom an award of compensation is sought.

(12) Exhibit E shall be an itemized statement of expenses for which a reimbursement is sought. All such expenses shall be disclosed in detail. An application for reimbursement of expenses must list each expense, its date, and a description of the nature and purpose of the expense. For example, requests for mileage must include the date, destination, miles, per mile rate, and the reason for the trip.

(c) Form and Content of Accountant Fee Application. When the Court so orders in a case under chapters 7, 9, 11 or 12, an accountant's application for an award of compensation pursuant to Code §330 or §331 shall contain the disclosures required by F.R.Bankr.P. 2016(a), comply with the following subparagraphs (1)-(5) and include the exhibits described in subparagraphs (6)-(10).

(1) State separately:

(A) the total amount of compensation sought to be approved;

(B) the amount of expenses sought to be approved; and

(C) the balance of any retainer on deposit with the applicant that remains after the payment of prior fee awards.

This statement shall be incorporated into the notice of the fee application sent to parties in interest.

(2) Identify the time period during which the services for which the award is sought were rendered.

(3) Provide a narrative summary explaining the services performed and how they benefitted the estate.

(4) Identify each specific instance in which an award is sought for the services of more than one accountant and the justification for each such specific instance.

(5) State the amount of accountant fees sought in prior applications in the case by the applicant and the Court's disposition of each application.

(6) Exhibit A shall be a copy of the order approving the employment of the applicant.

(7) Exhibit B shall be a summary statement of the number of hours of services rendered by each accountant and the hourly rate of each.

(8) Exhibit C shall be an itemized time record, in chronological order, of each specific service for which an award of compensation is sought. This itemized time record shall:

(A) state the date each service was rendered;

(B) identify the accountant(s) who performed the service;

(C) describe with particularity the services rendered; and

(D) state the time spent performing the service in increments of tenths of an hour.

(9) Exhibit D shall be a brief biographical statement of the professional experience of each accountant for whom an award of compensation is sought.

(10) Exhibit E shall be an itemized statement of expenses for which reimbursement is sought. All expenses for which reimbursement is sought shall be disclosed in detail.

(d) Form and Content of Other Professional's and of Chapter 7 Trustee's Application for Compensation and Reimbursement. In addition to the requirements of F.R.Bankr.P. 2016(a), an application for compensation and reimbursement of expenses of a chapter 7 trustee or of a professional other than one addressed in paragraphs (a)-(c) above (e.g., an appraiser, auctioneer, real and/or personal property sales broker, investment advisor, and consultant), shall set forth sufficient facts for the Court to determine reasonable compensation under Code §330, including the compensation requested and the manner by which it was computed, the nature of the expense, the date incurred, and the reason incurred. Vouchers and invoices shall be made available for review by the United States trustee.

RULE 2016-2 Form and Content of an Application for Attorney's Fees and Expenses in a Chapter 13 Case

(a) In a chapter 13 case, attorney fees and expenses for legal services rendered by counsel for the debtor prior to and including the confirmation of the first confirmed plan may be awarded in the Order Confirming Plan at the time of confirmation or by application which shall comply with F.R.Bankr.P. 2016(a) and shall:

- (1)** summarily describe the services rendered and the benefits achieved; and
- (2)** attach an exhibit containing an itemized time record in chronological order of each specific service for which an award of compensation is sought. This exhibit shall:

- (A)** state the date each service was rendered;
- (B)** identify the attorney(s) and paralegal(s) who performed the service;
- (C)** describe with particularity the services rendered; and
- (D)** state the time spent performing the service in increments of tenths of an hour.

(b) An application for allowance of compensation and reimbursement of expenses to counsel for the debtor for services rendered post-confirmation shall be consecutively numbered (i.e., the first application shall be entitled “First Application for . . .,” the second should be entitled “Second Application for . . .” and so on), shall comply with F.R.Bankr.P. 2016(a), and in addition shall:

- (1)** state separately the total amount of fees and expenses previously approved, including for services performed pre-confirmation, and the dates each such award was rendered;
- (2)** identify the time period during which the services for which the award is sought were rendered;
- (3)** summarily describe the services rendered and the benefits achieved; and
- (4)** attach an exhibit containing an itemized time record in chronological order of each specific service for which an award of compensation is sought. This exhibit shall:

- (A)** state the date each service was rendered;
- (B)** identify the attorney(s) and paralegal(s) who performed the service;
- (C)** describe with particularity the services rendered; and
- (D)** state the time spent performing the service in increments of tenths of an hour.

(c) An application that seeks allowance of fees and expenses totaling \$1000.00 or less may be presented ex parte if it has the endorsed approval of the debtor and the chapter 13 trustee. If the application lacks the endorsements, the applicant shall utilize Rule 9014-1 but notice may be sent only to the trustee and the

debtor.

The debtor's endorsement shall state as follows:

"I, the debtor, understand that:

- (1) I do not have to sign this document unless I agree with it;
- (2) I signed this document on the date stated below;
- (3) When I signed this document, all the blanks were filled in;
- (4) I agree that the fees and expenses requested should be allowed.

Date signed: _____ Debtor signature: _____"

RULE 2016-3 Procedure for Interim Payment of Professional Fees

(a) For cause shown, any professional appointed under 11 U.S.C. § 327 or any official committee may move for an order authorizing interim payments of fees and expenses pending a formal fee application.

(b) When the Court enters such an order:

(1) That professional or committee may file an itemized monthly fee and expense statement in compliance with the provisions of the Local Rules and the United States Trustee guidelines, setting forth in detail the fees and expenses for which payment is sought for the preceding month, and shall serve a copy of the statement on the debtor, debtor's counsel, counsel for any official committees, the United States Trustee, counsel for any secured creditors and such additional parties as the Court may designate.

(2) Each statement shall include, as an exhibit, records that itemize services and expenses in conformity with the Federal Rules of Bankruptcy Procedure, these rules and United States Trustee guidelines.

(3) Any party in interest shall have fifteen days from the date of service of the interim statement to file an objection to the interim fee statement. If no objections are timely filed to an interim statement, the debtor is authorized to pay in the ordinary course of business, unless the Court orders otherwise: (i) 80% of the professional fees; (ii) 100% of the expenses incurred by professionals; and (iii) 100% of the expenses incurred by the committee. The 20% professional fee hold back will be paid only in accordance with the Bankruptcy Rules, Local Rule 2016-1 and the Bankruptcy Code sections

governing the approval of fees and expenses.

(4) Any objection to any interim statement shall be filed and served on the affected professional or committee. The objection shall specify in detail the nature and basis of the objection, and the amount not disputed. Pending resolution of the objection, the debtor is authorized to pay the professional or committee the amount requested in the particular monthly statement less the greater of (i) the amount in dispute or (ii) the professional fee hold back provided in sub-paragraph (3) above. The parties shall endeavor to resolve any objection within 5 days. If a resolution is not achieved, the professional or committee may request a hearing.

(5) The failure of any party to object to an interim fee statement within the objection period will not constitute a waiver of the right to object to any interim or final fee application filed by any professional or committee, or preclude any disgorgement of fees or expenses paid.

(c) A motion seeking interim payment of fees or expenses pending a formal fee application shall address the following factors and any other relevant factors:

(1) whether a large amount of fees will accrue each month;

(2) whether a failure to allow interim payments would cause an undue hardship; and

(3) whether counsel will be able to disgorge the interim payments if required.

(d) In determining whether to permit an interim fee procedure, the Court will consider all the facts and circumstances.

(e) If the Court permits interim fee payments under this rule, the professional or committee shall file interim fee applications every 120 days under 11 U.S.C. § 331.

RULE 2018-1 Intervention

When the Court has issued an order allowing any interested party to intervene in a case, it shall be the duty of the intervening party to request the clerk to add its name to the matrix for the case. The intervening party may also request of the clerk copies of prior pleadings, which shall be provided at the cost set by the Judicial Conference of the United States.

RULE 2083-1 Tax Returns in a Chapter 13 Case
(Applicable only to cases filed *before* October 17, 2005.)

(a) No less than 30 days before the first scheduled date for the confirmation hearing, the debtor in a chapter 13 case shall promptly file with the appropriate taxing authorities any due but unfiled tax returns. When the tax return is so filed, the debtor shall file with the clerk and serve on the trustee a notice of the filing of the tardy return, and serve a copy of the return on the chapter 13 trustee and if a federal return, on the Internal Revenue Service District Special Procedures Branch. If the tardy returns are not timely filed under this Rule, the automatic stay shall be deemed lifted as to the taxing authorities involved, and such fact shall be grounds for other appropriate relief.

(b) A failure to have complied with the requirements of paragraph (a) above shall be grounds to dismiss a case.

RULE 3001-2 Secured Claims Which Are Not Modified by a Chapter 13 Plan

The holder of a type of claim governed by Code §1322(b)(5) or (b)(7) shall serve the trustee, the debtor and the debtor's counsel, if any, with a statement of the increase or decrease of periodic payments prior to the effective date of the adjustment of the payment amount.

RULE 3002-1 Chapter 13 Proof of Claim

(a) **Filing and Serving.** In a chapter 13 case, a proof of claim shall be filed in duplicate (i.e.: an original and a copy). The clerk shall time stamp the copy and transmit it to the chapter 13 trustee. The claimant shall serve a copy of the proof of claim upon the debtor's counsel (or the debtor if unrepresented by counsel), and shall promptly file a proof of service. Failure to serve the proof of claim as provided herein may be grounds for disallowance of the claim and the imposition of costs to any party prejudiced thereby.

(b) **Objection to Claim.** The procedure for objecting to a claim is governed by Rule 3007-1.

RULE 3003-1 Deadline for Filing a Proof of Claim or Equity Security
Interest in a Chapter 11 Case

Unless the Court orders otherwise in a particular case, the deadline for filing a required proof of claim

or equity interest in a chapter 11 case shall be 90 days after the first date set for the meeting of creditors called pursuant to Code §341(a).

RULE 3007-1 Objection to Claim

(a) A party objecting to a claim shall obtain a date and time for the hearing on the objection from the judge's scheduling clerk.

(b) A party objecting to a claim shall serve the objection to claim and a notice of hearing in a form consistent with the form notice available from the clerk, and shall promptly file a proof of such service.

(c) A creditor whose proof of claim is subject to an objection shall file and serve on the objecting party a written response to the objection not later than 10 days before the date set for the hearing on the objection. If a response is not filed and served, the Court may deem that the creditor consents to the relief requested in the objection, in which event the hearing will be canceled.

RULE 3013-1 Classification in a Chapter 11 Plan

Unless unduly burdensome due to the large number involved, the plan shall identify by name the entities who hold a claim or equity interest within each class and the amount of each entity's claim or equity interest within each class. Specific identification shall not be required for convenience classes or for a class of unsecured nonpriority claims when there is only one such class.

RULE 3015-1 The Chapter 13 Plan

(a) In addition to the requirements of Code §1322(a), a plan shall contain:

- (1) a statement of the value of each item of encumbered property;
- (2) the time within which the debtor proposes to cure any default on any secured claim;
- (3) a direction to the trustee to either assume or reject any executory contracts or unexpired leases; and if the plan proposes an assumption of such a contract or lease which is in default, then a statement as to the method and time to cure the default and an explanation of how to satisfy each of the other Code §365(b) requirements for assumption of a defaulted contract or lease;

- (4) a method by which the trustee can determine the point at which the plan is completed;
- (5) a statement of the order in which claims are to be paid;
- (6) a statement of the rate of interest to be paid with respect to each secured claim, articulated as a number and not in formula fashion;
- (7) a statement of whether all tax returns due have been filed, and if not, which returns were not filed;
- (8) a statement of whether debtor, if self-employed, incurs trade credit; and
- (9) if the plan provides for the payment of a claim governed by Code §1322(b)(5) or (b)(7)--
 - (A) a provision that payments on such claim shall be adjusted by the trustee to account for fluctuations in tax, insurance, interest or other contract provisions, when the holder of such claim serves the trustee, debtor and debtor's counsel with a notice of such increase or decrease and the effective date for same; and
 - (B) a provision that the Plan payments required to be made by the debtor to the trustee and the associated trustee commission shall automatically be modified to correspond to payment increases or decreases on such claims that are disclosed in accordance with Rule 3001-2.

(b) Attached to every plan or modification thereof shall be the following documents:

- (1) an analysis of what creditors would receive if the case were a chapter 7 case;
- (2) a worksheet on a form available from the clerk, illustrating the anticipated dividend to unsecured creditors if the plan is successfully performed.

RULE 3015-2 Modification of Plan in a Chapter 13 Case

(a) Pre-Confirmation Modification of Plan.

- (1) In a chapter 13 case, a pre-confirmation modification to a proposed plan that does not materially and adversely affect any party in interest may be incorporated in the order confirming the plan.
- (2) A pre-confirmation modification to a proposed plan that materially and adversely affects any party in interest:
 - (A) may be incorporated in the order confirming the plan that is executed by the adversely affected party; or in the alternative,

(B) shall be incorporated into a completely restated plan that shall be dated and identified as “First Modified Plan,” “Second Modified Plan,” etc., as the case may be. The debtor shall serve a copy of the modified plan upon all creditors and parties in interest that are adversely affected by the modification, and promptly file proof of such service.

(3) All amended schedules that are necessary for confirmation of a modified plan shall be filed prior to confirmation or contemporaneously with a modified plan.

(b) Post-Confirmation Modification of Plan. The party requesting the modification of a confirmed plan shall provide for the service required by F.R.Bankr.P. 3015(g). The modification shall become effective when the proponent serves the trustee with a certification that no objections were filed or an order overruling the objection.

(c) Payment of a Code §1305(a) Post-Petition Claim.

(1) The debtor shall serve a notice of the filing of a Code §1305(a) post-petition claim upon all creditors whose claims are allowed. The notice shall state the name of the post-petition creditor; the amount of the claim; the nature of the debt; the impact the claim, if allowed, would have upon disbursements to other creditors; and the following procedural information:

“If no objection to paying the post-petition claim as provided for in the plan is filed within 15 days, the trustee may pay the claim in the manner provided in the plan. If you have any objection to the claim itself or to the effect payment of the claim will have on your dividend, then you must file a written objection within 15 days or the objection will be deemed waived.”

The debtor shall promptly file a proof of service of such notice.

(2) The chapter 13 trustee may disburse payments to the creditor with the post-petition claim commencing 19 days after the notice is served, provided that no party in interest has filed an objection. If an objection is timely filed, a hearing thereon will be scheduled.

RULE 3015-3 Confirmation of Chapter 13 Plan

(a) Objection To Confirmation of Plan.

(1) In a chapter 13 case, an objection to the confirmation of the plan shall be filed within the time period

designated by the clerk in the notice of the first meeting of creditors. The objecting party shall promptly serve a copy of the objection on the debtor's counsel and if a creditor, also promptly serve a copy of the objection on the trustee. The objector shall also promptly file a proof of service.

(2) One who fails to file and serve an objection to confirmation may be deemed to have consented to confirmation of the plan, and if the holder of a secured claim, may be deemed to have accepted the plan for purposes of Code §1325(a)(5)(A).

(3) A secured creditor who disputes the value ascribed to collateral which the debtor proposes to retain under the terms of the plan, shall file an objection to confirmation of the plan. The debtor shall forthwith make the collateral available to the creditor for examination and appraisal. The resulting hearing pursuant to F.R.Bankr.P. 3012 shall be conducted as part of the plan confirmation hearing.

(4) An objection to the confirmation of a modified plan shall be filed not later than 25 days after service of the modified plan. A copy of the objection shall be served by the objecting party upon the trustee and the debtor's counsel. The objecting party shall also promptly file a proof of service.

(5) Unless announced on the record at the confirmation hearing, a withdrawal of an objection to confirmation of a plan must be evidenced by a written withdrawal by the objector or by endorsement of the order confirming the plan.

(b) Hearing on Confirmation of Plan.

(1) Neither the debtor nor debtor's counsel need appear at the confirmation hearing if an objection to confirmation of the plan has not been timely filed, (or if filed, has been withdrawn); and the chapter 13 trustee has approved the order confirming the plan.

(2) If the Court declines to confirm the plan, or if a party in interest appears at the confirmation hearing and is permitted for cause to lodge an untimely objection, the Court shall reschedule the hearing with notice to the debtor, debtor's counsel, the trustee, and the objecting creditor.

RULE 3016-1 Procedures Relating to Prepackaged Chapter 11 Plans

(a) In this rule, a prepackaged chapter 11 plan is one which the debtor has negotiated and solicited acceptances of the plan before filing the petition.

(b) Immediately upon filing a prepackaged chapter 11 plan, the debtor shall file a motion to set a deadline to object to confirmation of the plan and to schedule a confirmation hearing not more than 90 days following the petition date. The motion shall be accompanied by a copy of the plan and the disclosure statement or other solicitation document.

RULE 3017-1 Obtaining Approval of Disclosure Statement

(a) The filing of a disclosure statement shall be deemed to include a motion for its approval, to which Rule 9014-1 applies.

(b) When a disclosure statement is filed, the clerk will deliver to the proponent a form of notice which the movant shall timely serve upon all parties entitled to notice pursuant to F.R.Bankr.P. 2002(b). In addition, the proponent shall serve a copy of the disclosure statement and the notice upon the United States trustee and upon the chairperson and counsel for each official committee and shall file a proof of service of each of the foregoing.

(c) Upon a certification by the movant that no objection to the approval of the disclosure statement or request for a hearing was timely served, the Court may enter an order approving the disclosure statement without a hearing.

RULE 3018-1 Duties of Proponent of Plan After Approval of Disclosure Statement

Within 5 days after the entry of the order approving the disclosure statement, the plan proponent shall cause that order, the plan, the disclosure statement, any statement approved by the Court pursuant to F.R.Bankr.P. 3017(d), and a ballot to be mailed to whomever is entitled by law to service, and shall promptly file a proof of service. Ballots shall be returned to the attorney for the plan proponent, who shall submit to the Court for filing at the confirmation hearing a verified summary of the ballot count under 11 U.S.C. §1126(c) & (d), with all original ballots attached.

RULE 3020-1 Proofs at an Uncontested Confirmation Hearing in a Chapter 11 Case

At the hearing on the confirmation of a chapter 11 plan, if no objection to confirmation has been filed,

and no class of claims or equity interests has rejected the plan, upon consent of all parties present, the Court may dispense with an evidentiary hearing and, based on the lack of objection and the consents, find that each of the elements necessary for confirmation pursuant to Code § 1129(a) has been established.

RULE 3070-1 Claims To Be Paid by the Chapter 13 Trustee

In a chapter 13 case, all claims shall be paid by and through the chapter 13 trustee unless the debtor sets forth in the plan the justification for remitting payment of a claim directly to the creditor. If there is a timely objection to such a plan provision, it shall be heard at the confirmation hearing.

RULE 4001-1 Motion for Relief from the Stay

(a) Parties to be Served. A motion for relief from the stay shall be served on the debtor, the debtor's counsel, the trustee, the trustee's counsel if appointed, any official committees and their counsel if appointed, and, if applicable, upon any other parties asserting an interest in the property.

(b) Contents of Such a Motion. If applicable, the motion shall state the names and purported interests of all parties known, or discoverable upon reasonable investigation, to claim an interest in the property in question and shall identify the property, and state the amount of the outstanding indebtedness and the fair market value of the property. The motion shall be accompanied by a legible and complete copy of all relevant loan and security agreements and evidence of perfection, unless such documents are voluminous. A copy of any prior orders of the Court upon which the motion relies shall be attached. A motion for relief from the stay shall be so entitled.

RULE 4001-2 Motion For Use of Cash Collateral or to Obtain Financing

(a) A motion for use of cash collateral under 11 U.S.C. § 363(c)(2) or to obtain credit under 11 U.S.C. § 364(c) or (d) shall explicitly state the adequate protection offered the creditor, the moving party's position as to the value of each of the secured interests to be protected, and shall contain a summary of the other essential terms of the proposed use of cash collateral or post-petition financing, including, in the case of a

motion to obtain credit under § 364(c) or (d), the interest rate, maturity date and a statement of the total amount of credit sought. Appraisals and projections, to the extent pertinent, shall be summarized in the motion.

(b) The motion shall be filed with a cover sheet in the form attached as Appendix 1 to these rules. The requirement to identify the location in the proposed order of the provisions set forth in Appendix 1 is not to be construed as an approval of or prohibition against the inclusion of any such provisions in the order in any particular case. The Court will make such determination in each case based upon an assessment of all the facts and circumstances.

(c) If a debtor files a motion for the entry of an order approving an agreement for the use of cash collateral or to obtain credit on an expedited basis, the Court may enter the order without a hearing if:

(1) the order is approved by all creditors who may have an interest in the cash collateral to be used or the credit to be extended, by the chairperson or attorney for each official committee and by the United States Trustee;

(2) the order provides for the debtor to use cash collateral or to obtain credit in a maximum specified dollar amount necessary to avoid immediate and irreparable harm only until the earlier of a final hearing or the order becoming a final order;

(3) the order provides for a final hearing, the date and time for which shall be filled in by the Court when the order is entered;

(4) the order provides that the debtor shall, within 24 hours of its entry, serve a copy of the motion with its attachments and the order upon all parties who are required to be served under Bankruptcy Rule 4001(d);

(5) the order provides:

(A) that objections to the order must be filed within 15 days from the entry of the order, except that an official committee may file objections within 15 days after it is served with the order;

(B) that upon filing of an objection, the final hearing will be held; and

(C) that if no objections are timely filed, the order may become a final order; and

(6) the motion is accompanied by an affidavit or declaration of the debtor or a principal of the debtor

stating the facts upon which the debtor relies in seeking the entry of the order on an expedited basis, and the amount of money needed to avoid immediate and irreparable harm.

(d) If a debtor files a motion for authority to use cash collateral or to obtain post-petition financing, but the debtor's pre-petition secured creditors have not consented to the relief sought in the motion, the Court may enter an interim order granting the relief requested on an expedited basis if:

- (1)** the debtor has served a copy of the motion and proposed order, and a notice of the hearing on the motion, upon the non-consenting secured creditors in the manner set forth in Local Rules 9013-1;
- (2)** the Court has held a hearing on the motion at which the non-consenting secured creditors were given an opportunity to be heard;
- (3)** the order complies with each of the requirements of subparagraphs (c)(2) - (c)(6) of this rule; and,
- (4)** the Court makes a specific finding of fact that the protection offered to the non-consenting secured creditor is adequate and such adequate protection is incorporated into the interim order.

If the Court enters an interim order under this subparagraph over the objection of a secured creditor, or if a secured creditor does not appear at the hearing or object to the motion, such secured creditor will have the right to object to the interim order as provided in subparagraph (c)(5) of this rule.

(e) On timely motion, the Court may enlarge or reduce the time within which an objection must be filed, except that the Court may not reduce the time within which a non-consenting secured creditor must file an objection under subparagraph (c)(5) of this rule. In its discretion, the Court may schedule a hearing on the debtor's motion at any time, with such notice as it deems appropriate, provided such notice and hearing are consistent with subparagraph (d) of this rule.

RULE 4001-3 Federal Tax Refunds in a Chapter 7 Case

Unless directed otherwise in writing by the trustee, the Internal Revenue Service may make income tax refunds, in the ordinary course of business, to debtors in chapter 7 cases 60 days after the first date set for the Code §341 meeting of creditors.

RULE 4001-4 Implementation of Code §521(2) -- Statement of Consumer Debtor's Intentions in a Chapter 7 Case

(Applicable only to cases filed before October 17, 2005.)

Upon failure by the debtor to timely comply with the requirements of 11 U.S.C. §521(2) with respect to property securing consumer debts, the automatic stay imposed by §362(a) for the benefit of the debtor shall be deemed lifted as to that property without further order of the Court.

RULE 4001-5 Motion for Payment of Prepetition Claims of Critical Vendors

(a) A motion to authorize payment of prepetition claims of critical vendors shall be accompanied by a brief on the issue of whether the bankruptcy court has the statutory authority to grant this relief.

(b) Such a motion shall contain at a minimum the following information:

(1) The aggregate amount to be paid to all critical vendors.

(2) The individual vendor(s) to be paid and the amount to be paid to such vendor(s), which information may be filed under seal.

(3) The reason each vendor is “critical” or “indispensable” to the operations or preservation of the estate.

(4) The loss of economic advantage to the estate or to the debtor’s going concern value by the nonpayment of the prepetition claim of each of the particular vendors for whom a request is contained in the motion.

(5) The steps taken, or to be taken, if any, by which the debtor might deal with each critical vendor, short of payment of the prepetition claim, and whether it is necessary to pay 100% of the prepetition claim of the particular critical vendor to obtain postpetition goods and/or services.

(6) The terms of postpetition credit and shipment of goods and/or rendering of services to the debtor by each of the critical vendors.

(7) An analysis which demonstrates the impact of granting the requested relief on the creditors deemed non-critical.

(c) A critical vendor motion will not be considered a First Day Motion.

(d) The motion shall be served on all creditors, the creditors’ committee or its counsel if appointed, and the United States Trustee.

(e) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 4001-6 Additional Stay Procedures Under BAPCPA 2005
(Applicable only to cases filed on or after October 17, 2005.)

(a) Motion to Extend the Stay. The deadline to file and serve a motion to extend the stay under 11 U.S.C. § 362(c)(3)(B) is 7 days after the petition is filed. Immediately after filing the motion, the movant shall obtain a hearing date from the judge's courtroom deputy clerk, who will cause notice of the hearing to be served on all parties in interest. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

(b) Motion to Order the Stay to Take Effect. Immediately after filing a motion to order the stay to take effect, the movant shall obtain a hearing date from the judge's courtroom deputy clerk, who will cause notice of the hearing to be served on all parties in interest. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

(c) Objection Under 11 U.S.C. § 362(l)(3)(A). Immediately after filing an objection under 11 U.S.C. § 362(l)(3)(A), the objecting party shall obtain a hearing date from the judge's courtroom deputy clerk, who will cause notice of the hearing to be served on all parties in interest. Otherwise, the requirement to hold a hearing within 10 days under 11 U.S.C. § 362(l)(3)(A) is waived.

(d) Order Regarding the Existence of the Stay. Relief under either 11 U.S.C. §§ 362(c)(4)(ii), 362(j) or 521(a)(6) shall be upon motion filed under LBR 9014-1. The motion shall be titled, "Motion for an Order Confirming That No Stay Is in Effect," or "Motion for an Order Confirming That the Stay Has Been Terminated." The motion may be accompanied by an ex parte motion for an expedited hearing.

RULE 4001-7 Pre-Confirmation Payments in a Chapter 13 Case
(Applicable only to cases filed on or after October 17, 2005.)

(a) Payment by the Trustee.

(1) Conditions of Disbursements. The trustee shall disburse pre-confirmation payments under 11 U.S.C. § 1326(a)(1) to creditors holding purchase money security interests in personal property and

to lessors of personal property, if:

- (A) Funds are available;
- (B) A proof of claim with adequate proof of a security interest attached setting forth the amount of the monthly obligation is filed and served on the trustee and the debtor by the 14th day of the month prior to the next regularly scheduled disbursement by the trustee;
- (C) The plan proposes that the claim will be paid through the plan by the trustee;
- (D) The plan proposes that the debtor will retain possession of the secured or leased property; and,
- (E) A stay is in effect as to the secured or leased property.

(2) Timing of Disbursement. The trustee's disbursements shall be made monthly.

(3) Amount of Disbursement. Unless the Court orders otherwise for good cause shown under 11 U.S.C. § 1326(a)(3), the disbursements shall be thirty percent of the debtor's regular monthly obligation to secured creditors and one hundred percent of the debtor's regular monthly obligation to personal property lessors. If the trustee has insufficient funds on hand to make all of the required disbursements, the disbursements shall be made pro rata based on the monthly payments required.

(4) Dismissal or Conversion. Upon dismissal or conversion of the case, the trustee shall make the required pre-confirmation disbursements before disbursing any funds to the debtor.

(5) Trustee's Statutory Fee. For all pre-confirmation disbursements, the trustee shall be awarded and paid a fee equal to the applicable statutory percentage fee.

(b) Direct Payment by the Debtor.

(1) Conditions of Payment. The debtor shall make pre-confirmation payments under 11 U.S.C. § 1326(a)(1) to creditors holding purchase money security interests in personal property and to lessors of personal property, if:

- (A) A proof of claim with adequate proof of a security interest attached setting forth the amount of the monthly obligation is filed and served on the trustee and the debtor;
- (B) The debtor is current in the monthly payment obligations to the creditor;
- (C) The plan proposes that the claim will be paid directly by the debtor;

(D) The plan proposes that the debtor will retain possession of the secured or leased property; and,

(E) A stay is in effect as to the secured or leased property.

(2) Timing and Amount of Payment by the Debtor. The debtor's payments shall be made pursuant to the debtor's contractual obligation.

(c) Amended Proof of Claim. Within 30 days after confirmation, a creditor receiving any pre-confirmation payments shall file an amended proof of claim clearly showing the application of the pre-confirmation payments.

RULE 4002-1 Continued Prepetition Cash Management

(a) A motion in a chapter 11 case to continue using prepetition bank accounts or prepetition cash management systems for good cause shall contain the following information:

(1) Identification of the accounts by name of bank, description or title of the accounts and purpose of accounts;

(2) A thorough explanation of the cash management system, including, if applicable, the relationship between parent and subsidiaries and other entities which participate in the cash management system;

(3) The reason for continuing to use the prepetition accounts or system, including the costs and inconvenience of compliance with the guidelines requiring closure of prepetition accounts;

(4) The mechanism and steps to be taken to ensure that unauthorized prepetition checks will not clear the bank accounts postpetition;

(5) The steps that will be taken to have the face of each check and bank statement identify the payer as a debtor in possession; and

(6) The steps that will be taken to ensure compliance with 11 U.S.C. § 345.

(b) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 4004-1 Domestic Support Certification in Chapter 13 Cases (Applicable only to cases filed on or after October 17, 2005.)

Within 30 days after the trustee notifies the debtor of the completion of all payments under the plan in

a chapter 13 case, the debtor shall file a certification regarding a domestic support obligation required under 11 U.S.C. § 1328(a) and serve it on the trustee and any domestic support obligation creditor.

**RULE 4008-1 Reaffirmation Agreements and the Presumption of Undue Hardship
(Applicable only to cases filed on or after October 17, 2005.)**

If a debtor who has entered into a reaffirmation agreement is represented by counsel and the presumption of undue hardship under 11 U.S.C. § 524(m) applies, the debtor shall file a motion for approval of the reaffirmation agreement. The motion shall be accompanied by the papers specified in 11 U.S.C. § 524(k)(1) and Bankruptcy Rule 4008. The title of the motion shall be “Motion for Approval of Reaffirmation - Presumption of Undue Hardship Applies.” The Court will set the motion for hearing.

RULE 5005-1 Service on the United States Trustee

With respect to a case pending under chapter 7 or chapter 11 which was commenced on or after October 1, 1979, a party who files a document other than a proof of claim, a reaffirmation agreement, and a statement of intent pursuant to Code §521, shall serve a copy of the document on the United States trustee.

RULE 5005-2 Electronic Filing

The clerk will accept documents filed by electronic means in accordance with the Administrative Procedures for Electronic Filing approved by the Court.

RULE 5006-1 Return of Copies

A party seeking the return by mail of a copy of any order, pleading, or other paper shall submit an additional copy of the paper requested, together with a stamped, self-addressed envelope. A party shall be entitled to only one copy of an order or a judgment endorsed by the clerk as a “true copy,” which may be reproduced by the party.

RULE 5007-1 Transcripts

A request for the preparation of a transcript of a proceeding shall be on a form available from the clerk.

RULE 5073-1 Photography, Recording Devices and Broadcasting

(a) E.D.Mich. LR 83.31, entitled “Conduct in Federal Court Facilities” applies in the bankruptcy court facilities in this district, except as hereinafter set forth.

(b) Until further order of the Court and subject to security screening, the following may be carried into the bankruptcy court facilities: laptop or notebook computers, cellular telephones, pagers, calculators, and portable dictating devices. These devices shall be turned off in all courtrooms and chambers, except that (1) computers and calculators can be used with the approval of the bankruptcy judge, and (2) paging devices may be used only in the vibration mode.

RULE 5081-1 Transactions Requiring the Payment of Money

Payment of fees to the clerk must be in one of the following forms:

- (a) cash (exact change only);
- (b) cashier’s check;
- (c) money order;
- (d) from attorneys and non-debtor businesses only--business checks; or
- (e) credit card in accordance with the clerk’s guidelines.

Personal checks will not be accepted. Checks shall be made payable to “Clerk, U.S. Bankruptcy Court.”

RULE 6004-1 Use, Sale or Lease of Property of the Estate Other Than Cash Collateral

(a) Except for the use of cash collateral, use, sale or lease of property of the estate shall be effected in accordance with Code §363 and F.R.Bankr.P. 2002 and 6004. The notice of use, sale or lease shall be served by the trustee or debtor-in-possession as the case may be. The notice shall include a statement that the time fixed for filing an objection is 15 days from the date the notice is served. Neither a court proceeding nor an order is necessary or contemplated to authorize the transactions set forth in the notice

unless there is a timely-filed objection which is not formally withdrawn. The 15-days period in this paragraph begins to run contemporaneously with the 20-days notice in F.R.Bankr.P. 2002(a)(2).

(b) A motion for authority to sell property free and clear of liens and other interests (with liens and interests to attach to proceeds of sale) pursuant to F.R.Bankr.P. 6004(c) may be granted without a hearing upon the following conditions:

(1) The notice of the sale shall indicate that the sale is to be free and clear of liens and other interests (with liens and interests to attach to proceeds of sale) and also include a statement that if no objection is filed within 15 days, the authority to sell may be granted without a hearing and that if an objection is filed and served on the movant, a notice of the hearing to consider the motion will be sent to the objecting party; and

(2) Submission of a certification that:

(A) the notice was served on all parties as required by F.R.Bankr.P. 2002(a)(2);

(B) the movant served the motion on all parties who have liens or other interests in the property to be sold (identifying each by name and address); and

(C) no objection to the sale was timely served.

A copy of the notice of sale must accompany the certification and the proposed order.

RULE 6004-2 Sale by a Chapter 13 Debtor

After confirmation of the plan, unless the plan or the order confirming the plan provides otherwise, the chapter 13 debtor may use, sell or lease property other than in the ordinary course of business in the same manner as a trustee, pursuant to Code §363(b) and F.R.Bankr.P. 6004.

RULE 6004-3 Request for Incentive Compensation

(a) If the debtor files a motion for entry of an order allowing incentive compensation for executives, employees or groups of employees, the motion shall detail for each employee:

(1) The name of employee;

(2) The present position and responsibilities;

- (3) Whether the employee is an equity holder, creditor, debtor or guarantor of the debtor;
 - (4) The employee's work experience, with emphasis on how this experience qualifies or impacts the employee in the present position;
 - (5) The length of service with debtor;
 - (6) The present compensation, including contractual bonuses and benefits, monetary and otherwise (and if the employee has a written employment agreement, it shall be attached to the motion);
 - (7) The requested compensation (including benefits, monetary and otherwise);
 - (8) How the requested increase in compensation (or the amount requested) will benefit and impact debtor;
 - (9) The consequences to the debtor of denying the request; and,
 - (10) The timing of the payment of the compensation and any conditions precedent.
- (b) Compliance with this rule should not be construed as suggesting that the Court will grant the motion.

RULE 6007-1 Disposition of Books and Records of Debtor in a Chapter 7 Case

Unless otherwise ordered, 60 days after the entry of the order closing the estate, the books and records of the debtor coming into the possession of a trustee in a chapter 7 case may be destroyed or otherwise disposed of after reasonable notice by the trustee to the debtor, debtor's counsel, the United States trustee, taxing agencies, and any other entity designated by the Court.

**RULE 7004-1 Additional Service of Adversary Complaint in a Chapter 7
Or Chapter 11 Case**

- (a) In a chapter 7 or chapter 11 case, the plaintiff in an adversary proceeding shall serve a copy of the complaint and any amended complaint upon each of the following entities (if applicable): the trustee, the trustee's counsel, and the chairperson and counsel for any official committee. The plaintiff shall promptly file a proof of service.
- (b) Unless one of the exceptions set forth in F.R.Bankr.P. 7004(h)(1)-(3) is applicable, service on an insured depository institution shall be presumed proper if the summons and complaint in an adversary

proceeding or a motion governed by F.R.Bankr.P. 9014 is made by serving a copy of the paper by certified mail addressed to either an officer of the institution in care of the resident agent of the institution or the chief executive officer of the institution at the institution's principal place of business.

RULE 7007-1 Motion Practice in an Adversary Proceeding

Motion practice in an adversary proceeding is governed by the procedures in Rule 9014-1.

RULE 7016-1 Joint Final Pretrial Order and Preparation of Exhibits

(a) Duty to Prepare Joint Final Pretrial Order. If the Court orders the parties to prepare a joint final pretrial order, they shall do so in accordance with the following. In contested matters, the movant shall be considered the plaintiff for purposes of this Rule and the Court shall designate the other parties responsible to participate. Counsel for plaintiff(s) or a plaintiff without counsel shall convene a conference for all parties to confer and collaborate in formulating a concise joint final pretrial order. Counsel for plaintiff(s) or a plaintiff without counsel shall compile the order. Counsel for all parties and any party without counsel shall approve and sign the order. Counsel for plaintiff(s) or a plaintiff without counsel shall submit an original and one copy of the order to the judge for approval and adoption. The order shall provide for the judge's signature and, when signed and filed, becomes an order of the Court, superseding the pleadings and governing the course of trial unless modified by further order. The pretrial order shall not be a vehicle for adding claims or defenses. The order will not be filed until the judge has signed it.

(b) Contents of Order. The joint final pretrial order shall contain, under numbered and captioned headings, the following:

(1) Jurisdiction. The parties shall state the basis for Bankruptcy Court jurisdiction and whether the matter is core, and whether jurisdiction is contested by any party.

(2) Plaintiff's Claims. The statement of the claim or claims of plaintiff shall include legal theories.

(3) Defendant's Claims. The statement of the claim or claims of defendants, or third parties, shall include legal theories.

(4) Stipulation of Facts. The parties shall state, in separately numbered paragraphs, all uncontested

facts.

(5) Issues of Fact to be Litigated.

(6) Issues of Law to be Litigated.

(7) Evidence Problems Likely to Arise at Trial. Each party shall state its objections to exhibits and to the use of deposition testimony.

(8) Witnesses. Each party shall separately list all witnesses whom that party will call and all witnesses whom that party may call. A party may, without further notice, call a witness listed by another party as a “will call” witness. The list shall state whether the witness is an expert and whether testimony will be offered by deposition. Only listed witnesses will be permitted to testify at trial, except for rebuttal witnesses whose testimony could not be reasonably anticipated before trial, or except for good cause shown.

(9) Exhibits. The parties shall number and list, with appropriate identification, each exhibit. Objections to listed exhibits must be stated in the joint pretrial order. Only listed exhibits will be considered for admission at trial, except for rebuttal exhibits which could not be reasonably anticipated before trial, or except for good cause shown.

(10) Damages. The parties shall itemize all claimed damages and shall specify damages that can be calculated from objective data. The parties shall stipulate to those damages not in dispute.

(11) Trial.

(A) Jury or non-jury.

(B) Estimated length of trial.

(12) Settlement or Mediation. Counsel or a party without counsel shall state that they have conferred and considered the possibility of settlement, giving the most recent place and date, and state the current status of negotiations and any plans for further discussions. They may request the Court to schedule a settlement conference or mediation.

(13) Filing of Trial Briefs, Findings and Instructions. Unless the Court otherwise orders, trial briefs, proposed findings of fact and conclusions of law in non-jury cases or requests for instructions in jury cases shall be filed 3 days before trial.

(14) Additional Requirements. A judge, in an appropriate case, may add requirements to the joint final pretrial order, or may suspend application of this Rule, in whole or in part.

(15) Juror Costs Attributable to Parties. The Court may assess juror expenses under E. D. Mich. LR 38.2.

(c) Failure to Cooperate. For failure to comply with the requirements of this Rule or with the terms of the joint final pretrial order, the Court may dismiss claims, enter a default judgment, refuse to permit witnesses to testify or to admit exhibits, assess costs and expenses, including attorney fees, or impose other appropriate sanctions.

(d) Pre-marking and Exchange of Documentary Exhibits. If there has been no final pretrial conference and at least one week's notice of the trial or the evidentiary hearing has been provided to counsel, then at least one day prior to the trial or evidentiary hearing, counsel shall arrange with the court reporter or recorder to have all documentary exhibits marked and shall provide copies of all exhibits to opposing counsel. An exhibit list shall be provided to the Court at the start of the trial or hearing. At the hearing, an extra copy of each documentary exhibit shall be available for witnesses' use during testimony. Unless the Court orders otherwise, each attorney shall be responsible for the care and custody of the attorney's own exhibits.

(e) Exhibit Identification. Exhibits shall be marked using numbers for the plaintiff or movant, and letters for the defendant or respondent. Each separate document shall be separately marked.

RULE 7016-2 Mediation

(a) The Mediation Process. Upon its own initiative, or upon a filed stipulation of the parties, or upon a motion by any party in interest after notice and opportunity for hearing, the judge may order the parties to engage in mediation. If the Court orders mediation on its own initiative, the parties shall have 10 days to object, by motion filed under Rule 9014-1.

(1) Upon the entry of a mediation order, one mediator shall be chosen by the parties from a panel of mediators chosen and maintained by the Court. If the mediator is not available or has a conflict that the parties do not waive, the parties shall designate another mediator. The parties may request the

assistance of the judge in selecting a mediator if they cannot otherwise agree.

(2) Mediation may be ordered at any time during the case, provided however, that upon entry of a mediation order the mediation shall be completed within two weeks or within such other time as the judge may fix in the mediation order.

(3) Unless otherwise ordered by the Court, each of the parties to the mediation process shall pay \$200.00 to the mediator before or at the commencement of the mediation session. The mediator, with the consent of the parties, may retain professionals to assist the mediator. The expenses of such professionals shall be equally paid by all parties to the mediation and shall not exceed \$2,000.00.

(4) All proceedings and writings incident to the mediation shall be privileged and confidential, and shall not be reported or placed in evidence. No party shall be bound by mediation unless a settlement is reached. If a settlement is reached, the agreement shall be reduced to writing. If necessary, the parties shall file a motion for approval of the settlement under F.R.Bankr.P. 9019, and shall do so within 10 days after the agreement is fully executed.

(5) The mediator shall have the duty and authority to establish the time schedule for mediation activities, including the submission of documents, the attendance of parties with authority to settle, the procedure governing the mediation and a schedule for the parties to act upon the mediator's recommendation. The mediator shall have no obligation to make any written recommendation, but may provide the attorneys for the parties or unrepresented parties with a written settlement memorandum. Such memorandum shall be governed by the first sentence of subparagraph (a)(4), and shall not be filed or made available to the Court. The mediator shall not be called as a witness by any party-in-interest.

(6) The mediator shall promptly file a certificate with the mediation clerk demonstrating that there has been compliance with the mediation requirements of this Rule without referring to any substantive matters involved in the mediation.

(b) The Mediation Panel.

(1) The Court shall appoint mediators to the mediation panel as necessary from time to time. The Court may select chairperson(s) to assist the Court with the administration of the mediation panel.

(2) Before serving as a mediator, a professional shall have participated in a court-approved training

seminar in alternative dispute resolution, and shall provide to the Court a certificate of such training. The mediation clerk shall maintain a list of such seminars.

(4) A list of the mediators on the panel shall be maintained by the clerk and shall be available for public review.

(5) Individuals who wish to serve on the mediation panel shall inform the clerk in writing, and shall provide the clerk with information that the applicant or the Court deem pertinent.

(6) The Court may meet periodically with the panel of mediators or its chairperson(s) as necessary to discuss improving the mediation process.

RULE 7016-3 Adjournment of a Pretrial Conference, Hearing, or Trial

(a) Pretrial Conferences and Hearings on Motions. One adjournment of a pretrial conference or a hearing on a motion for up to two weeks will normally be granted upon a written stipulation and submission of an order by the parties. A second adjournment or an adjournment of more than two weeks will be considered by the Court only upon a motion supported by an affidavit or declaration establishing good cause.

(b) Evidentiary Hearings or Trials. An adjournment of an evidentiary hearing or a trial will be considered by the Court only on a motion supported by an affidavit or declaration establishing good cause, submitted at least 3 business days before the hearing or trial.

(c) Procedure Upon Adjournment. The order adjourning the conference, the hearing or the trial shall provide a blank space for the new date and time and shall be submitted with the stipulation or motion. After entry, the movant shall immediately serve the order on all interested parties. If there is insufficient time for mailing notice of the order of adjournment, the moving party shall personally or telephonically notify all interested parties.

RULE 7026-1 Filing Discovery

E. D. Mich. LR 26.2 applies. Specifically, depositions, interrogatories, requests for the production of documents, requests for admission and responses to such discovery material shall not be filed, except as

provided in E. D. Mich. LR 26.2(a).

RULE 7041-1 Dismissal of Complaint Objecting to the Discharge of the Debtor

When the parties to an action filed pursuant to Code §727 propose to dismiss the action, they shall file a joint statement indicating the consideration received or to be received by the plaintiff. The plaintiff shall then give notice of the proposed dismissal and the consideration therefor to all creditors, and the trustee, who shall have 15 days to file objections. The Court shall not enter an order of dismissal until all timely objections are resolved.

RULE 7055-1 Default Judgment

Within 15 days after the clerk has entered a party's default, the opposing party shall apply for entry of a default judgment. A proposed form of default judgment shall be attached to the application.

RULE 7067-1 Deposit and Withdrawal of Funds in Interest Bearing Accounts in the Registry of the Court

(a) Deposit Order. An order for the deposit of funds into the registry account of the Court shall state the:

- (1) amount to be invested;
- (2) type of investment;
- (3) rate of interest;
- (4) term of the deposit; and
- (5) name of the banking institution in which the deposit of funds is to be made.

Before filing a motion and proposed order to deposit funds in an interest bearing account, the moving party shall notify the clerk, who shall determine whether the proposed banking institution has pledged sufficient collateral with the United States Treasury to insure the account for any sum in excess of the limit insured or guaranteed or backed by the full faith and credit of the United States. The clerk shall also advise the moving party about any other matters pertaining to the orderly and timely deposit of funds in an interest bearing account. The proposed order shall be submitted to the clerk or to the clerk's designee for approval as to form before it is submitted to the judge. An order requiring the clerk to make a deposit of funds in

an interest bearing account shall not be effective until the order is personally served on the clerk. The clerk shall deposit the funds as soon as the confirmation that adequate securities have been pledged by the bank is received, if needed, and the business of the clerk allows.

(b) Withdrawal Order. An order for the withdrawal of funds held in an interest bearing account in the registry account shall state:

- (1) the names, addresses, and last four digits of the social security or full employer identification numbers of the recipients of the funds;
- (2) the amount of any fee payable to the United States in accordance with the fee schedule if adopted by the Judicial Conference of the United States; and
- (3) the amount of principal and interest to be paid to each recipient.

The proposed order shall be submitted to the clerk or to the clerk's designee for approval as to form before it is submitted to the judge. After entry, the moving party shall serve the order on the clerk.

RULE 8001-1 Appeal

An appeal from a final or interlocutory order, judgment, or decree of a bankruptcy judge shall be filed in accordance with F.R.Bankr.P. 8001, except that the appellant shall file the original and 4 copies of the notice of appeal with two United States District Court civil cover sheets. In addition, each appellant shall file a sufficient number of copies of the notice of appeal to enable the clerk to comply promptly with F.R.Bankr.P. 8004.

RULE 9001-1 Definitions

(a) Large Bankruptcy Cases. Upon a motion by a party-in-interest, or upon the Court's own initiative, the Court may enter an order without a hearing designating a chapter 11 case as a "Large Bankruptcy Case."

(b) First Day Motion. (Applicable to cases filed before October 17, 2005.) A "First Day Motion" is a motion filed by a debtor for relief which the debtor believes is so important to the initial stages of the

case that the best interests of the bankruptcy estate warrant granting a hearing on the motion upon shortened or limited notice.

(b) First Day Motion. (Applicable to cases filed on or after October 17, 2005.) A “First Day Motion” is a motion filed by a debtor in a chapter 11 case for relief which the debtor believes is so important to the initial stages of the case that the best interests of the bankruptcy estate warrant granting a hearing on the motion upon shortened or limited notice.

RULE 9004-2 Caption and the Filing of Papers

(a) Caption. The caption on a paper shall substantially conform to the applicable official bankruptcy form (if any) and shall also state:

- (1)** the chapter number under which the petition is pending;
- (2)** the judge to whom the case is assigned;
- (3)** a concise statement of the nature of the document and--
 - (A)** for motions, identification of the movant and specific relief sought;
 - (B)** for responses, identification of the respondent and the title of the motion to which the response is directed (including the name of the movant and the specific relief sought);
 - (C)** for notices of hearing, identification of the motion for which the hearing is to be conducted.

(b) Pages. A paper other than a proof of claim shall use only one side of a page and shall be filed in duplicate, the original of which shall bear an original signature, with the attorney’s name, mailing address and telephone number and the name of the client appearing below the signature. The pages of all pleadings or papers, excluding exhibits, shall be numbered.

(c) Adversary Complaint. A complaint initiating an adversary proceeding shall be accompanied by an original and a copy of a cover sheet in a form prescribed by the clerk.

(d) Use of Forms. The use of a form pleading which contains extraneous factual allegations or legal arguments not applicable to the matter before the Court may subject the individual who submits it to sanctions under F.R.Bankr.P. 9011. Factual allegations in pleadings must be made with the proper respect for the applicable rules regarding relevance, specificity, and accuracy.

**RULE 9006-1 Reduction or Enlargement of Time for Taking Action or
Filing Schedules, Chapter 13 Plans and Other Papers**

(a) Motion for Extension of Time to File Schedules, Statements and Chapter 13 Plans.

(1) Before filing a motion for extension of time to file schedules or statements pursuant to F.R.Bankr.P. 1007(c), or to file a chapter 13 plan pursuant to F.R.Bankr.P. 3015(b), the movant shall request the concurrence of the trustee, if any, and the United States trustee. If concurrence is not obtained, the motion shall be served upon the United States trustee, chairperson and counsel of any official committee (or, if no official committee is yet formed, upon the list of creditors filed by the debtor pursuant to F.R.Bankr.P. 1007(d)) and the trustee and trustee's counsel, if any. Such a motion shall state:

- (A) the date set for the Code §341(a) meeting of creditors;
- (B) the date on which the movant intends to file the schedules and statements and/or plan;
- (C) that an objection to the relief requested in the motion must be filed within 3 days of service of the motion; and
- (D) the efforts made by the moving party to obtain concurrence.

(2) The United States trustee or a party may file an objection to the motion for an order extending the time to file schedules and statements or a chapter 13 plan and may deliver a copy of the objection to the attention of the Court in any reasonable way. Upon receipt of such an objection, an expedited hearing or telephone conference will be arranged.

(3) An order granting the relief requested may be submitted only upon the following conditions:

- (A) the order contains the signatures of the United States trustee and all parties who were served with the motion; and
- (B) the order is submitted with a certification of service which states that the parties entitled to notice were personally served with the motion or were served by facsimile at least 3 days before.

(b) Other Reductions or Enlargements of Time for Taking Action or Filing Papers. Unless prohibited by F.R.Bankr.P. 9006, and to the extent otherwise permitted by the Code and the Federal Rules of Bankruptcy Procedure, a party may move in writing for, and the Court may sign, an ex parte order reducing or enlarging the time for a party to take any action or file any paper. Prior to making

the motion, if the motion is made in an adversary proceeding or a contested matter, the movant shall strictly comply with E. D. Mich. LR 7.1(a). The movant shall also immediately notify opposing counsel personally or by telephone of the signing of the order, and shall serve the order upon opposing counsel. A party aggrieved by such an order may move for a dissolution of the order.

RULE 9010-1 Appearance Before the Court and at Code §341 Meeting of Creditors

(a) Appearance by Attorney.

(1) Except as otherwise provided by law, appearance before the Court on behalf of a person or entity may be made only by an attorney admitted to the bar of, or permitted to practice before, the United States District Court for the Eastern District of Michigan, under E.D. Mich. LR 83.20. A corporation, partnership, or other entity other than an individual may not file a petition or other pleading, nor appear as a debtor, plaintiff, defendant or other party in an adversary proceeding, unless it is represented by an attorney duly admitted to, and in good standing with, the bar of the United States District Court for this district. None of the following constitutes the practice of law for purposes of these rules: (i) the signing or filing of a request for service; (ii) the signing or filing of a proof of claim or a ballot; (iii) attendance and participation at a meeting of creditors or an official committee; (iv) the signing or filing of a pleading or paper resolving an objection to a proof of claim; or (v) signing or filing a stipulation adjourning a hearing or extending a deadline.

(2) An attorney appearing before the Court is expected to have read and to be familiar with the Federal Rules of Bankruptcy Procedure, these Rules, the Rules of the District Court, and the Civility Principles. Unless otherwise instructed by the Court, counsel shall:

(A) at the onset of the hearing, place the attorney's name on the record and state the name of the party the attorney represents.

(B) stand when speaking or when addressed by the Court.

(C) speak in the vicinity of a microphone in those courtrooms equipped with electronic recording machines.

(D) refrain from confrontation or colloquy with opposing counsel.

(E) address all persons by their surnames.

(F) state all objections concisely and with specificity.

(G) be fully prepared and knowledgeable of the issues and matters to be addressed.

(b) Appearance by Debtor's Attorney or Firm of Record. The debtor's attorney or firm of record shall, except as provided in paragraph (c) below, attend the Code §341(a) meeting of creditors and all hearings within the scope of representation, and when appearing, shall have sufficient familiarity and knowledge of the case and its prior proceedings as to permit informed discussion and argument.

(c) Attorney Appearing on Behalf of Attorney of Record. An attorney whose appearance in a particular proceeding or a meeting of creditors is made at the request of the debtor's attorney of record shall file prior to such appearance a written notice of special appearance and a F.R.Bankr.P. 2016(b) statement on a form available from the clerk. At the time of appearance, the attorney shall furnish, on request, a copy of the notice of appearance which evidences the fact of filing. An attorney making a special appearance shall be accountable for adequately representing the interests of the person or entity on whose behalf the appearance is made.

(d) Disclosure of Scope of Representation of Debtor Attorney. The attorney for a debtor shall file a F.R.Bankr.P. 2016(b) statement on a form available from the clerk, in which the scope of the attorney's appearance and representation shall be accurately stated. The F.R.Bankr.P. 2016(b) statement shall be countersigned by the debtor.

(e) Scope of Appearance of Debtor's Attorney in a Chapter 9, 11, 12 or 13 Case. The attorney for a debtor under chapter 9, 11, 12 or 13, is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the Court, and has a continuing duty to represent the debtor in all proceedings in the Bankruptcy Court, including relief from automatic stay motions, hearings on claims or adversary proceedings, until the occurrence of the earliest of:

(1) dismissal of the case; or

(2) closing of the case; or

(3) the entry of an order allowing the attorney to withdraw from further representation of the debtor.

(f) Scope of Appearance of Debtor's Attorney in a Chapter 7 Case. In a case filed under or

converted to chapter 7, the scope of appearance of the debtor's attorney shall be as disclosed in the F.R.Bankr.P. 2016(b) statement.

(g) Withdrawal of Attorney.

(1) An attorney who has appeared on behalf of a party may not withdraw without permission of the Court. A request for such may be made by stipulation between the attorney and the party or upon motion filed pursuant to Rule 9014-1. Immediately upon the entry of an order permitting the attorney's withdrawal, the attorney shall serve it upon parties involved in pending litigation.

(2) Except as required under subparagraph (g)(1), no order is required for a consensual substitution of attorney which is signed by the represented party, the withdrawing attorney, and the substituting attorney. A notice of substitution of attorney shall be filed and served on the trustee and any interested parties involved in pending litigation.

(h) Required Approval for Employment. If an order approving the employment of the withdrawing attorney pursuant to Code §327 or §1103 was required, any new attorney must also comply with F.R.Bankr.P. 2014; the employment will not be deemed approved merely by filing a notice of substitution of attorney.

RULE 9011-3 Sanctions

For failure to comply with any applicable rules, sanctions may be imposed upon (1) any counsel appearing before the Court, (2) any person appearing without counsel, (3) any person acting in a fiduciary capacity in a case or proceeding, and (4) other professional persons whose employment was approved by the Court. Sanctions in the form of an admonition, the assessment of costs, or any other sanction deemed appropriate may be imposed upon notice and opportunity for hearing when it is determined that such non-compliance has obstructed the effective conduct of the business of the Court. These sanctions are in addition to the sanctions which the Court may impose upon counsel pursuant to E. D. Mich. LR 11.1, the Federal Rules of Bankruptcy Procedure, or the Federal Rules of Civil Procedure.

RULE 9013-1 Service of First Day Motions

First Day Motions and all related papers shall be served on the United States Trustee, all secured creditors, the creditors included on the list filed under Bankruptcy Rule 1007(d) and any adverse party relative to the relief requested in the First Day Motion. This service shall be completed on the same day that the First Day Motion is filed even if the hearing on the First Day Motion has not yet been scheduled by the Court. Service will be considered complete upon confirmable transmission by facsimile, personal service, or upon delivery to an overnight delivery service. If and when the Court schedules a hearing on a First Day Motion, the Movant shall serve a notice of hearing regarding the First Day Motion on the parties identified in this rule, and need not serve a copy of any order scheduling the hearing on any First Day Motion. The order scheduling the hearing shall specify the means and deadline for service of the notice of hearing.

RULE 9013-3 Service on Chapter 13 Trustee and Proof of Service

(a) Service on Chapter 13 Trustee. Parties shall serve upon the chapter 13 trustee a copy which evidences the fact of filing, of each pleading, order and other papers filed with the Court.

(b) Proof of Service. Whenever a proof of service is required by these Rules, the proof of service shall comply with the following format. The proof of service shall indicate the date and manner of service. The parties served shall be identified by name and address. General references to “all creditors,” “all parties in interest,” or “all parties listed on the matrix” or the like are inadequate, unless a date-stamped copy of the most current matrix is attached to the proof of service which shall state that the parties served were “all parties listed on the attached matrix.”

RULE 9013-4 Filing Requirements for First Day Motions

The title of each First Day Motion (and of each proposed order granting a First Day Motion) shall contain the words “First Day.” The debtor shall file the original and at least three copies of each First Day Motion. The debtor’s counsel shall promptly deliver one copy of each First Day Motion to the United States Trustee’s Office and notify the judge’s clerk that the First Day Motions have been filed. As

expeditiously as possible, the Court will schedule the First Day Motion for a prompt hearing. A separate motion requesting that the Court schedule an expedited hearing on a First Day Motion is not required. The term “First Day Motion” shall also be included on all exhibits, budgets, proposed orders, affidavits and all other papers that the debtor files in support of a First Day Motion.

RULE 9013-5 Fixed Hearing Dates in Large Bankruptcy Cases

(a) Upon motion of the debtor, the Court may enter an order establishing fixed dates and times as the scheduled hearing date and time for consideration of all motions and contested matters in a Large Bankruptcy Case.

(b) If the Court establishes fixed dates, the following procedures will apply unless the Court orders otherwise:

(1) Any notice of a hearing shall conspicuously contain above the title of the notice the date and time that the hearing will be held in the event that an objection is filed in accordance with applicable rules.

(2) Any motion or contested matter filed and properly served in accordance with applicable rules, and as to which the applicable response time will elapse at least three business day before a fixed hearing date, may be set for hearing on such a fixed date.

(3) If the requisite time period set forth in Rule 9014-1(b)(2) has passed, the movant may present a certificate of no response before or at the hearing.

(4) Debtor’s counsel shall file and serve upon all affected parties at least 5 days before the hearing a list of all matters scheduled to be considered by the Court. The list shall set forth all motions and responses and whether the matter is resolved, disputed or adjourned. The Court will post the information on the Court’s internet website.

(5) If a party intends to present an order at the hearing different from the order attached to the motion, debtor’s counsel shall state on the list filed in accordance with subparagraph (b)(4) above that a different order will be presented for entry.

(6) Debtor’s counsel together with any affected party or parties may, without leave of the Court, unless the Court orders otherwise, adjourn any matter to a subsequent fixed hearing date. If a matter is

adjourned, debtor's counsel shall immediately update the list filed in accordance with subparagraph (b)(4) above.

(7) Upon request, the Court may allow counsel to participate in any hearing by telephone.

(c) The establishment of fixed dates for hearings will not preclude any party in interest from requesting and obtaining a different date for a hearing on a particular matter.

RULE 9014-1 Motion Procedure Generally

(a) Unless the Court directs otherwise upon request, a party seeking relief may obtain such relief upon motion in accordance with the procedures stated herein. For purposes of this Rule, an objection to a claim of exemption shall be deemed to be a motion.

(b) The motion shall be accompanied by:

(1) a notice of hearing prepared for the signature of the clerk, with the hearing date left blank, which shall not be served with the motion;

(2) a notice to the respondent that the respondent has 15 days (20 days for matters covered by F.R.Bankr.P. 2002(a)) after service to file and serve a response which complies with F.R.Civ.P. 8(b), (c), and (e), and that if such a response is not timely filed and served, the Court may grant the motion without a hearing in a form consistent with the form notice available from the clerk;

(3) a proof of service of the motion and the notice required in subparagraph (b)(2); and

(4) a copy of the proposed order, attached to the motion and labeled as Exhibit A.

(c) If a response is not timely served, the movant may file a certification so stating together with the proposed order and a copy of the original proof of service of the motion. If the motion was served by mail, the movant shall not file a certification of no response until the 19th day after service, (or 24th day in the case of matters covered by F.R.Bankr.P. 2002(a)) in order to comply with F.R.Bankr.P. 9006(f). The Court may enter the proposed order without a hearing. If the Court decides not to enter the proposed order, the Court shall promptly schedule a hearing, with notice to the movant and such other parties as it deems necessary.

(d) If a response is timely filed and served, the clerk shall promptly schedule a hearing on the motion, and

serve the notice of hearing upon the movant and all respondents. However, the chapter 13 trustee, and not the clerk, shall serve the notice of hearing of trustee's motions and objections.

(e) A brief, not more than 20 pages in length, shall be filed in support of and in opposition to the following:

- (1) a motion in an adversary proceeding;
- (2) a motion for relief from stay or abandonment in chapter 11 cases;
- (3) a motion for the appointment of a trustee or examiner in chapter 11 cases;
- (4) an objection to a claim of exemptions.

Reply briefs not more than 5 pages in length may be filed and served not less than 3 business days before the hearing on the motion.

(f) **(Applicable to cases filed before October 17, 2005.)** This Rule does not apply to:

- (1) an objection to claim (see Rule 3007-1);
- (2) a motion for reconsideration (see Rule 9024-1);
- (3) a matter covered by Rule 9006-1 relating to reduction or enlargement of time;
- (4) a motion to withdraw the reference pursuant to F.R.Bankr.P. 5011(a);
- (5) a motion for leave to appeal pursuant to F.R.Bankr.P. 8001(b) and 8003; and
- (6) a motion to dismiss pursuant to Rule 2003-1.

(f) **(Applicable to cases filed on or after October 17, 2005.)** This Rule does not apply to:

- (1) an objection to claim (see Rule 3007-1);
- (2) a motion for reconsideration (see Rule 9024-1);
- (3) a matter covered by Rule 9006-1 relating to reduction or enlargement of time;
- (4) a motion to withdraw the reference pursuant to F.R.Bankr.P. 5011(a);
- (5) a motion for leave to appeal pursuant to F.R.Bankr.P. 8001(b) and 8003;
- (6) a motion to dismiss pursuant to Rule 2003-1;
- (7) a motion to dismiss under Rule 1007-1(h);
- (8) a matter covered by Rule 1007-3(a) and (b) relating to credit counseling compliance;
- (9) a motion seeking approval of a reaffirmation agreement; and,
- (10) an application to waive the filing fee.

(g) A motion in an adversary proceeding shall affirmatively state that concurrence of counsel in the relief sought has been requested on a specified date, and the concurrence has been denied or has not been acquiesced in and hence it is necessary to bring the motion.

(h) With respect to a matter relating to discovery to which F.R.Bankr.P. 7026 through 7037 apply, counsel for each of the parties shall meet and confer in advance of the hearing in a good faith effort to narrow the areas of disagreement. The conference shall be held a sufficient time in advance of the hearing so as to enable the parties to narrow the areas of disagreement to the greatest extent possible. It shall be the responsibility of counsel for the movant to arrange for the conference and, in the absence of an agreement to the contrary, the conference shall be held in the office of the attorney nearest the place of holding court in which the motion is pending.

RULE 9015-1 Effect of Jury Trial Demand

A party who demands a jury trial shall be deemed to have consented to the bankruptcy judge conducting the jury trial unless, concurrently with the filing of the jury demand, the demanding party files a motion to withdraw the reference. The other party or parties shall have 10 days after the service of a jury demand to file a motion to withdraw the reference; otherwise the non-demanding party shall be deemed to have consented to a jury trial conducted by the bankruptcy judge.

RULE 9019-1 Settlements

Counsel shall notify the Court immediately upon the settlement of an adversary proceeding or contested matter. If, by the date set for the trial or hearing, the attorneys have not submitted an order disposing of the matter, then the attorneys shall appear and state the settlement on the record, and shall submit the appropriate order within 10 days. Failure to submit the appropriate order within 10 days shall be cause for dismissal.

RULE 9021-1 Orders and Judgments in Adversary Proceedings and Contested Matters

(a) **Procedure for Entry of Judgment or Order.** An order or judgment shall be entered by one of the

following methods:

(1) The Court may sign the judgment or order at the time it grants the relief provided by the judgment or order.

(2) The Court may at the hearing excuse presentment of the order or judgment for approval.

(3) The Court may sign the judgment or order when its form is approved by all the parties and if, in the Court's determination, it comports with the Court's decision.

(4) Unless the Court has excused presentment for approval, the prevailing party shall serve a copy of the proposed order or judgment upon all parties who appeared of record at the hearing, with a notice advising them that it will be submitted to the Court for entry if written objections are not filed and served upon the movant within 7 days after service of the notice and proposed order or judgment.

(A) If a written objection is not timely filed and served, the parties shall submit the proposed judgment or order to the Court with a certification that no objections have been filed and a proof of service indicating the parties served and the date and method of service. If the proposed judgment or order comports with the decision, the Court may then sign it. If the proposed judgment or order does not comport with the decision, the matter may be set for hearing.

(B) The party filing an objection must serve it on all parties who received the proposed order or judgment pursuant to subparagraph (a)(4).

(C) If an objection is filed, unless the Court orders otherwise, the party who filed the proposed judgment or order shall, promptly after receiving a hearing date on said objection, serve notice of the hearing on said objection to all parties who appeared of record at the hearing. If all filed objections to an order are withdrawn, then the Court may dispose of the order or judgment pursuant to sub-subparagraph (a)(4)(A).

(5) If the prevailing party fails to act within a reasonable time, a non-prevailing party may prepare the proposed order or judgment and follow the appropriate steps for entry.

(b) Costs. The Court may impose costs upon anyone who:

(1) unreasonably withholds approval as to form;

(2) files a frivolous objection pursuant to this Rule; or

(3) submits an order that does not reasonably comport with the Court's decision.

(c) Service. After obtaining a copy of the judgment or order as provided in Rule 5006-1, the party securing its entry shall serve a copy, within 3 days after it has been entered, on all other parties to the proceeding that resulted in the judgment or order, and promptly file a proof of service.

(d) Order Granting Different Relief. When the Court enters an order granting relief different from that requested, the Court may require the prevailing party to serve a copy of the order upon all parties who might be materially and adversely affected by the difference. In such case, the party serving the order shall include with the copy of the order, a notice that a request for a rehearing must be filed and served within a time period which will be fixed by the Court. Unless the Court orders otherwise, until such period is concluded, the order shall be stayed insofar as it affects parties not present at the hearing of the underlying motion.

RULE 9024-1 Motion to Alter or Amend Order or Judgment Or for Rehearing or Reconsideration

(a) Time. A motion to alter or amend an order or judgment and a motion for rehearing or reconsideration shall be served not later than 10 days after entry of such order or judgment.

(b) No Response and No Hearing Allowed. No response to the motion and no oral argument thereon shall be allowed unless the Court, after filing of the motion, otherwise directs.

(c) Grounds. Generally, and without restricting the discretion of the Court, a motion for rehearing or reconsideration which merely presents the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the Court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

(d) Brief. In an adversary proceeding, a brief not exceeding 20 pages in length shall be filed with a motion to alter or amend an order or judgment and a motion for rehearing or reconsideration.

RULE 9029-1 Rules of Procedure

(a) Rules of General Applicability. The rules of procedure in cases and proceedings in this Court shall

be as prescribed by the laws of the United States, the rules promulgated by the Supreme Court of the United States, any applicable rules of the United States Court of Appeals for the Sixth Circuit, any applicable Local Rules of the United States District Court for the Eastern District of Michigan, and these Rules.

(b) Title and Authority. These Rules are promulgated pursuant to F.R.Bankr.P. 9029, and shall be referred to as the Local Rules of the Bankruptcy Court for the Eastern District of Michigan, cited as L.B.R. ____ (E.D.M.).

References in these Rules to any statute within the Bankruptcy Code, 11 U.S.C. §101 et seq. shall be “Code § ____.” References in these Rules to the Local Rules for the United States District Court for the Eastern District of Michigan shall be “E. D. Mich. LR ____.” References in these Rules to the Federal Rules of Bankruptcy Procedure shall be “F.R.Bankr.P. ____.” References in these Rules to the Federal Rules of Civil Procedure shall be “F.R.Civ.P. ____.” Within these Rules, these Rules will be referred to as “Rule ____.”

(c) Procedural Orders In Specific Cases and Proceedings. A judge may issue orders governing matters of procedure not addressed by these Rules.

(d) Administrative Orders of General Scope. When authorized by the Court, the chief judge may issue administrative orders of general scope. The orders shall be transmitted to the clerk, who shall arrange for their appropriate publication and shall maintain a public file containing copies of all such orders currently in effect.

(e) Suspension of the Local Rules. Upon notice and for cause in a particular case or proceeding, a judge may temporarily suspend the applicability of any of these Rules.

(f) Prior Rules Superseded. These Rules supersede all prior local rules.

(g) References to Other Rules or Statutes. When these Rules refer to the Federal Rules of Bankruptcy Procedure, the rules of the District Court, or sections of the Bankruptcy Code, they refer to such as they existed on the effective date of the last amendments to these Rules. If the statute or rule referred to is re-codified, the reference in these Rules shall be deemed to be amended to track the re-codification.

RULE 9029-4 Applicability of Amendments

Amendments to these Rules shall be applicable to pending cases and proceedings, except to the extent that in the opinion of the Court their application in a particular case or proceeding would not be feasible or would result in an injustice.

Guidelines Relating to Large Bankruptcy Cases

GUIDELINE 1 Notifying the United States Trustee and the Clerk of First Day Motions

Before filing a chapter 11 case that is accompanied by First Day Motions, counsel for the debtor is encouraged to communicate with the United States Trustee's Office and the Clerk's Office. With respect to contact with the Clerk's Office, counsel should contact the Clerk of the Court. If the Clerk is not available, contact may be made with the Chief Deputy or the Operations Manager of the Clerk's Office. Counsel for the debtor may discuss any relevant issues in the case with the United States Trustee and the Clerk of the Court.

The Court strongly encourages the discussions with the United States Trustee's Office to include the following:

- (1) The nature of the first day relief to be requested.
- (2) The debt structure of the business, including the public and trade debt.
- (3) Description of the debtor's cash management system and issues under 11 U.S.C. § 345.
- (4) Issues that may be resolved by consent (*e.g.*, extensions of time to file schedules, adequate assurances of utility payments, wage and benefit payments up to statutory limitation(s), joint administration, necessity doctrine payments, professional employment issues, including conflicts, and indemnification requests).
- (5) Corporate governance issues.
- (6) Collateral issues including Federal Trade Commission issues, taxing authority issues, Security and Exchange Commission issues, pension and other Department of Labor issues, Environmental Protection

Agency and Michigan Department of Environmental Quality issues, and insurance issues.

(7) The status of any attempted out of court workout, including perceived impediments to a successful reorganization and whether there was an unofficial pre-petition committee.

(8) The number of creditors and any special needs due to the size of the case.

(9) The need for a noticing vendor for the notice of the meeting under 11 U.S.C. § 341 and any other notice requirement.

The Court strongly encourages the discussions with the Clerk to include the following:

(1) The number of creditors and any special needs due to the size of the case.

(2) The need for a noticing vendor for the notice of the meeting under 11 U.S.C. § 341 and any other notice requirement.

(3) The need for the availability of the Clerk or staff outside of ordinary business hours.

GUIDELINE 2 Expedited Formation of Committee in Large Bankruptcy Cases

In Large Bankruptcy Cases, the United States Trustee's Office is encouraged to appoint a committee of creditors within three business days after receiving the information from the debtor required by Local Rule 2003-3, provided creditors are willing to serve in accordance with 11 U.S.C. § 1102.

Guidelines Relating to BAPCPA 2005

GUIDELINE 3 Failure to Complete the Financial Management Course

The clerk will not issue a discharge if the certificate required by Bankruptcy Rule 1007(b)(7) and (c) (new) is not timely filed. If the debtor files the certificate after the case is closed, the debtor must file a motion to reopen to request the entry of the discharge.

GUIDELINE 4 Waiver of Filing Fee

The application must be filed on the official form. The Court will review all such applications in

chambers. The Court may deny an application without a hearing. If the Court schedules a hearing, the Court will give notice to the debtor and the trustee.

GUIDELINE 5 Tax Return Compliance

A motion under 11 U.S.C. §§ 521(j), 1307(e) or 1308 shall be filed under LBR 9014-1.